

OFFICER REPORT FOR COMMITTEE

DATE: 25/05/2022

P/21/1707/OA

TITCHFIELD

FOREMAN HOMES

OUTLINE APPLICATION FOR THE ERECTION OF 49 DWELLINGS AND ASSOCIATED LANDSCAPING AND PARKING. ACCESS FROM CARTWRIGHT DRIVE AND ASSOCIATED WORKS

LAND TO THE EAST OF CARTWRIGHT DRIVE, FAREHAM

Report By

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1.0 **Introduction**

- 1.1 This application is being presented to the Planning Committee due to the scale and nature of the proposed development on a site located outside of the defined urban settlement boundaries.
- 1.2 An appeal against the non-determination of this application has been submitted to the Planning Inspectorate. The Inspectorate has confirmed that the appeal will be determined by way of a hearing scheduled to take place on 16th August 2022.
- 1.3 Whilst this Council is no longer able to decide this application it is necessary for Members to confirm the case that this Council will present to the Planning Inspector. This report sets out all the relevant planning policies and relevant material planning considerations and invites Members to confirm the decision they would have made if they had been able to determine the planning application. This will then become the Council's case in respect of the forthcoming appeal.
- 1.4 Members will note from the 'Five Year Housing Land Supply Position' report to Planning Committee presented elsewhere on this agenda that the Council currently has a housing land supply of 5.08 years including a 20% buffer.

2.0 **Site Description**

- 2.1 This application relates to a 3.53ha site on land to the east of Cartwright Drive. The site lies outside of the defined urban settlement boundary. The nearest part of the urban area lies on the opposite western side of Cartwright Drive where the residential street of Valerian Avenue lies and commercial premises of Raymarine

and Percival Aviation are located. Cartwright Drive is lined by mature trees on both its western and eastern sides with the application site lying behind the eastern treeline.

- 2.2 The site lies to the immediate south of Abbeycroft Nursery, a retail garden centre, and residential property known as 77 Segensworth Road (granted permission in 1978). An unmade vehicular access track from Segensworth Road through the nursery to the side of the house leads to the application site. The site comprises areas of rough grassland and hardstanding. There are some buildings and structures on the site believed to be related to the land's historical use for agricultural purposes, mostly clustered in the centre of the site. The northern part of the site has several piles of rubbish on it. The southern part of the site appears as if it may have been used in the past for horse grazing although this does not appear to be the current use of the land. At the very southerly end of the site is an area of woodland. This forms part of the Carron Row Site of Importance for Nature Conservation (SINC) and also part of the Titchfield Abbey Conservation Area. Beyond the site's southern boundary lies the car park for Abbey Meadows Country Park which is accessed from Cartwright Drive.
- 2.3 To the immediate east of the site lie a small group of buildings and mobile homes at Hound Hill Farm, 77A Segensworth Road. In 2015 planning permission was granted for the land to the south of these buildings to be used as a regulated caravan and camping site (planning reference P/15/0857/FP).
- 2.4 The site lies in an area of countryside as designated for planning purposes and also the Meon Gap Strategic Gap.

3.0 ***Description of Proposal***

- 3.1 Outline planning permission is sought for the erection of 49 dwellings and associated landscaping and parking. All matters are reserved except for the means of access which is proposed to be from Cartwright Drive itself.
- 3.2 The proposed access is shown on drawing no. 5643/001 Rev F which is included at Appendix 2 of the submitted Transport Statement Addendum. It shows a new vehicular access being formed from the eastern side of Cartwright Drive slightly further north than the existing junction with Stephenson Road on its western side and opposite an existing bus stop. A new dedicated right turn lane would be created for vehicles approaching the site from the south along Cartwright Drive. A new section of 3 metre wide footway would be created on the northern side of the access with a crossing point to the other side of Cartwright Drive. On the southern side of the access a 1.7 - 2 metre wide footway is proposed all of the way down the eastern side of Cartwright Drive to the existing access further south to the Abbey Meadows Country Park car park and Friary Meadow retirement village.

3.3 Matters of scale, appearance, layout and landscaping are to be reserved however the applicant has submitted an illustrative site plan. The site plan shows an arrangement of rows of dwellings following a single, sinuous road leading from the access point northwards through the site. A strip of landscaping along the eastern edge of the site is indicated.

4.0 ***Policies***

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

- CS2: Housing Provision
- CS4: Green Infrastructure, Biodiversity and Geological Conservation
- CS5: Transport Strategy and Infrastructure
- CS6: The Development Strategy
- CS14: Development Outside Settlements
- CS15: Sustainable Development and Climate Change
- CS16: Natural Resources and Renewable Energy
- CS17: High Quality Design
- CS18: Provision of Affordable Housing
- CS20: Infrastructure and Development Contributions
- CS21: Protection and Provision of Open Space
- CS22: Development in Strategic Gaps

Adopted Development Sites and Policies

- DSP1: Sustainable Development
- DSP2: Environmental Impact
- DSP3: Impact on Living Conditions
- DSP5: Protecting and Enhancing the Historic Environment
- DSP6: New residential development outside of the defined urban settlement boundaries
- DSP13: Nature Conservation
- DSP15: Recreational Disturbance on the Solent Special Protection Areas

Other Adopted Documents:

Planning Obligation SPD for the Borough of Fareham (excluding Welborne) (April 2016)

5.0 ***Relevant Planning History***

5.1 FBC.5039 – RESIDENTIAL DEVELOPMENT – REFUSED 12/3/1958

5.2 FBC.5039/6 – ERECTION OF HORTICULTURAL WORKERS DWELLING AND ERECTION OF GLASSHOUSE AND MACHINERY PACKING SHED – OUTLINE

PERMISSION – 10/07/1978

5.3 ENF/95/0097 – ENFORCEMENT NOTICE – WITHOUT PLANNING PERMISSION, THE CHANGE OF USE OF THE LAND FROM AGRICULTURAL TO USE AS A CIVIL ENGINEERING CONTRACTORS DEPOT – ISSUED 13/9/1995

5.4 P/95/0615/CU - RETENTION OF EXISTING BUILDING AND ITS USE FOR AGRICULTURAL STORAGE (INCLUDING ELEVATIONAL CHANGES) (AMENDED DESCRIPTION) – PERMISSION 16/11/1995

5.5 P/95/0616/LU – CERTIFICATE OF LAWFULNESS FOR EXISTING USE AS CIVIL ENGINEERING CONTRACTORS YARD - WITHDRAWN

6.0 ***Representations***

6.1 Two objections have been received in response to this application raising the following material planning considerations:

- Site is not in local plan for housing
- Meon Valley should remain undeveloped
- Impact on character of the area east of Cartwright Drive and the Meon Valley
- Increased flood risk
- Area is not close to public transport links and is unsafe for pedestrians and cyclists
- Access will be difficult and dangerous
- Impact on doctors and schools

6.2 Comments have also been submitted by The Fareham Society and Titchfield Village Trust raising the following matters:

- Meon Valley and strategic gap location
- Site is on high land visible from locations on the tops of the eastern valley slopes and through proposed access onto Cartwright Drive
- Significant adverse effect on integrity of gap and physical and visual separation of settlements
- Noise and light pollution
- Harmful to character and appearance of Meon Valley landscape
- Unsustainable location
- Footpaths shown on illustrative site plan do not take into account national design guidance
- Contrary to Policy DSP40

7.0 **Consultations**

EXTERNAL

HCC Highways

7.1 No objection subject to:

- a) a condition being imposed to secure a Construction Method Statement;
- b) the applicant entering into a Section 106 agreement to secure provision of a local bus shelter on Cartwright Drive to promote the use of sustainable travel;
- c) highway works to be delivered through a Section 278 agreement as follows:
 - Improvements to existing pedestrian footways within the vicinity of the site to accommodate the increased pedestrian demand generated by the development.
 - The site access and associated infrastructure on Cartwright Drive as shown indicatively on drawing 5643/001 Rev F.
 - Upgrading of the Cartwright Drive / Valerian Avenue footpath link to a shared use cycleway / footway to promote use of sustainable travel modes north of the development.

Natural England

7.2 Further information required to determine impacts on designated sites:

- Confirmation of the existing land uses that inform the nutrients budget
- Agreed mitigation for any nitrogen burden arising from this development

Without this information Natural England may need to object to the proposal.

HCC Flood Water Management Team

7.3 No objection subject to planning conditions.

HCC Archaeology

7.4 No objection subject to planning condition securing archaeological survey and, if necessary, follow up archaeological excavation.

HCC Children's Services

7.5 Due to the relatively low number of dwellings and therefore pupil yield, there is no requirement for a contribution towards educational facilities in this case.

Southern Water

7.6 No objection. Southern Water can facilitate foul sewerage disposal to service

the proposed development. Advice provided regarding surface water drainage.

Police – Designing Out Crime Officer

- 7.7 Design comments provided in relation to illustrative site plan.

INTERNAL

Ecology

- 7.8 No objection subject to suggested conditions.

Trees

- 7.9 No objection.

Environmental Health

- 7.10 No objection subject to planning conditions.

Contaminated Land Officer

- 7.11 Final comments awaited.

Housing

- 7.12 The development would generate 19.6 affordable dwellings. The applicant has offered a policy compliant 19 dwellings for affordable housing on site and 0.6 of a unit as a financial contribution. The dwellings offered are 13 for rent and 6 for intermediate. This affordable housing split provides 68% of the on-site affordable homes for rent. A further breakdown of affordable properties is unknown at this outline stage. I would expect a mix of property sizes, to reflect local housing need and to ensure a mixed and balanced community.

Conservation Officer

- 7.13 The conservation advice offered towards the assessment of harm to surrounding heritage assets should be considered in conjunction with the accompanying Landscape and Visual Impact Assessment (LVIA), Design and Access Statement (D&A) and Heritage Statement (HS). [These documents] provide a thorough evaluation of the historic and architectural character and appearance of the surrounding area that includes Titchfield Abbey Conservation Area, that forms the southern part of the identified site.
- 7.14 In context of the built environment, the proposal does not include the refurbishment, alteration, extension or demolition of historic buildings. As identified in the Heritage Statement, the closest listed building to the site is Carron Row Barn a Grade II agricultural structure now converted to residential with a domestic setting, the value of the asset is mostly found in its familiar vernacular roofscape that makes a contribution to the character of the landscape through wider views. A full assessment of the harm to this asset as a

result of the proposed development is provided through the HS, which concludes the development would continue to preserve the heritage assets historic value and significance in situ.

- 7.15 More immediately the southern part of the site includes Titchfield Conservation Area boundary, although this does not hold any built form that contributes to the architectural character of the area, it encompasses a band of mature vegetation that makes a valuable contribution to the inherent character of the wider landscape including Meon Valley and serves to manage future development within this high valued historic and rural landscape. The supporting Design and Access statement highlights the boundary treatment of the existing site, which is primarily mature vegetation apart from the eastern edge that allows open views in and out of the site this includes views of the identified listed building Carron Row Barn. To reduce and balance the overall harm to this view, the landscaping associated with the development, includes planting along this eastern boundary. In addition the scale of the proposed dwellings and the use of natural or vernacular materials to the roofscapes would assist with blending the new dwellings into their landscape and in turn reducing the potential harm to the identified heritage assets in the surround.
- 7.16 In summary the outline proposal to introduce 49 dwellings, associated infrastructure and landscaping, would continue to preserve the significance of the identified designated and non-designated heritage assets that fall within the surrounding landscape, in this respect it is considered to satisfy Policies 206 of the NPPF, DSP 5 Fareham Local Plan and The Planning (Listed Building and Conservation Area) Act, 1990.

Landscape consultation response (by consultancy Nicholson Lockhart Garratt)

- 7.17 Nicholson Lockhart Garratt, a private consultancy firm, were instructed by the Council to provide advice on the landscape and visual impacts of the proposed development. Their advice is referred to later in this report, however the following paragraph is a summary of the key points:
- 7.18 Based upon the above analysis, it is their opinion that the proposed development would result in significant harm upon the local landscape character, the integrity of the Meon Gap, and the visual environment, and it would contribute to the physical and visual coalescence of the housing market areas of Southampton and Portsmouth.

8.0 *Planning Considerations*

- 8.1 The following matters represent the key material planning considerations which need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) The approach to decision making
- b) Residential development in the countryside and strategic gap
- c) Heritage impacts
- d) Highways access
- e) The impact on habitat sites
- f) Other matters
- g) The Planning Balance

a) The approach to decision making

8.1 A report titled "Five year housing land supply position" is reported to the Planning Committee elsewhere on this same meeting agenda. That report sets out this Council's local housing need along with the Council's current housing land supply position. The report concludes that the Council has 5.08 years of housing supply against its five year housing land supply (5YHLS) requirement.

8.2 Had a non-determination appeal not been lodged and had the Council been in a position to determine the application, the starting point for making a decision would have been section 38(6) of the Planning and Compulsory Purchase Act 2004:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

8.3 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicate otherwise. Material considerations include the planning policies set out in the National Planning Policy Framework (NPPF).

8.4 Paragraph 60 of the NPPF seeks to significantly boost the supply of housing.

8.5 Paragraph 74 of the NPPF states that local planning authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer. Where a local planning authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out- of-date.

8.6 Paragraph 11 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are "out-of-date". It states:

“For decision-taking this means:

c) Approving development proposals that accord with an up-to-date development plan without delay; or

d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (see footnote 8 below), granting planning permission unless:

- i. The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed (see footnote 7 below); or*
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

8.7 Footnote 7 to Paragraph 11 reads:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.”

8.8 Footnote 8 to paragraph 11 reads:

"This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three years."

8.9 This planning application proposes new housing outside the defined urban settlement boundaries. Whilst the Council can demonstrate a five year housing land supply, the Housing Delivery Test results published on 14th January 2022 confirmed that the Council has achieved 62% of its housing target. This means the delivery of housing in the last three years (2018 to 2021) was substantially

below (less than 75%) the housing requirement over the previous three years. Footnote 8 to NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11(d) is engaged.

- 8.10 Taking the first limb of NPPF paragraph 11(d), as this report sets out, in this instance there are specific policies in the NPPF which protect areas of assets of particular importance namely habitat sites which are specifically mentioned in footnote 7. Therefore a judgement will need to be reached as to whether policies in the Framework would have provided a clear reason for refusing the development. Where this is found to be the case, the development should be refused.
- 8.11 The second limb of NPPF paragraph (d), namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance') will only apply if it is judged that there are no clear reasons for refusing the development having applied the test at Limb 1.
- 8.12 Members will be mindful of Paragraph 182 of the NPPF which states that:

"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."

- 8.13 The wording of this paragraph clarifies that the presumption in favour of sustainable development set out in Paragraph 11 does not apply unless an appropriate assessment has concluded that the proposal would not adversely affect the integrity of the habitats site subject to mitigation.
- 8.14 The following sections of the report assesses the application proposals against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

b) Residential Development in the Countryside and Strategic Gap

Principle of development and locational sustainability

- 8.15 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas.

Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries. The application site lies within an area which is outside of the defined urban settlement boundary.

8.16 Policy CS14 of the Core Strategy states that:

'Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure.'

8.17 Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states - there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map).

8.18 The site is clearly outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6 and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

8.19 Furthermore, the proposal is not considered to be sustainable development in that its location is poor in relation to access on foot or cycle to local services and facilities meaning future residents would rely heavily on use of the private motor car.

8.20 The applicant's Transport Statement Addendum identifies various local facilities and services nearby and the walking distances involved. Officers have applied the standards given in the Fareham Borough Council Accessibility Background Paper 2018 which reveals that the majority of services including local shops, health surgeries and other public services lie beyond what is considered a reasonable walking distance from the site. Only Woodlands Nursery and Titchfield Primary School fall within the relevant accessibility standard both being 1.1km from the site but located on the opposite side of the busy dual carriageway A27 Southampton Road.

8.21 Whilst it is acknowledged that the Highway Authority HCC have raised no objection to the proposal on the basis of the lack of sustainable transport options, Officers consider the site to be poorly located in this regard having taken account of the relevant guidance including the Council's background paper as well as Planning for Walking (CIHT, 2015) and Providing Journeys on Foot (IHT, 2000).

8.22 It is noted that the bus stops on Cartwright Drive lie close by at around 200m

from the site. It is also noted that the Highway Authority have requested a bus shelter be provided for waiting passengers. However the information provided in the applicant's Transport Statement reveals that the bus service 28/28A between Fareham and Whiteley operates very infrequently only six times a day in each direction with up to two hour waits between buses Monday to Friday. There is a reduced service on a Saturday up until lunchtime and no details of a Sunday bus service.

- 8.23 The proposal fails to promote and secure sustainable development with sustainable transport options and access to local services contrary to Core Strategy Policy CS15.

Landscape and visual impact

- 8.24 Nicholson Lockhart Garratt, a private consultancy firm, were instructed by the Council to provide advice on the landscape and visual impacts of the proposed development.
- 8.25 Natural England's National Character Assessment places the site within the South Coast Plain National Character Area (NCA). The Site and its setting are considered to be slightly representative of the South Coast Plain National Character Area, in particular in relation to the Site's presence as an area of land separating developed areas that slopes gently to the south, as part of the Meon Valley that flows from the Downs to the Solent.
- 8.26 At county level, the Hampshire Integrated Character Assessment, undertaken in 2012, places the Site on the eastern edge of the Meon Valley (3e) Landscape Character Area, which is associated with the Lowland Mosaic Medium Scale Landscape Character Type. The site and its setting are moderately representative of the Meon Valley Character Area, representing those key characteristics that occur within the lowland mosaic section of the valley.
- 8.27 At a local level, the Fareham Landscape Assessment, published in 2017, places the Site on the western edge of the Meon Valley (6) Landscape Character Area.
- 8.28 The Meon Valley Landscape Character Area is described as follows:
- "The Meon Valley character area embraces the whole length of the valley within the Borough, from Funtley in the north to the coast at Titchfield Haven. Although the immediate floor and valley sides are quite narrow in places, the character area embraces a wider swathe of landscape on either side of the valley that broadly defines the extent of open countryside within the corridor*

between the urban edges of Stubbington, Hill Head and Fareham to the east and Titchfield Village and Titchfield Park to the west.”

- 8.29 The Site and its setting are considered to be strongly representative of the Meon Valley Landscape Character Area. A large part of this character area is proposed to be designated as an Area of Special Landscape Quality (ASLQ) as identified in Fareham Borough Council’s Technical Review of Areas of Special Landscape Quality and Strategic Gaps, published in 2020. The ASLQ is considered to be a ‘valued landscape’. With that in mind it is clear that the landscape in which the site is located is a ‘valued landscape’ for the purposes of paragraph 174(a) of the NPPF.
- 8.30 In terms of Landscape Types, the assessment associated the Site and its surrounding land with the Open Valley Side Landscape Type, which covers a significant proportion of the valley sides south of the railway line.
- 8.31 In relation to the landscape implications of the proposed development, Nicholson Lockhart Garratt advise as follows:

“The Site is entirely separated from the built-up area of Titchfield Park to the west, by two strong woodland belts and Cartwright Drive. There is therefore no perceptual relationship with the setting to the west, while the Site experiences a clear perceptual relationship with the valley landscape to the east, which is bound by the urban edge of Fareham. The Site’s relationship with the valley landscape to the north and south are constrained by the railway corridor and Carron Row respectively.

The Council’s published landscape sensitivity assessment has determined that the sub-area of the Meon Valley Landscape Character Area in which Site is located is of high sensitivity to development with very low potential to accommodate development. The open valley sides and their undeveloped character are referenced as important attributes of the setting of the Conservation Area, and part of the Site falls within the Conservation Area itself. Specific development advice within the sensitivity assessment is to avoid encroachment beyond the existing urban edge of Titchfield Park, and to reinforce tight settlement boundaries.

The development proposals represent an incongruous intrusion into this important landscape, contrary to published advice, and it would dominate the open valley side, specifically when perceived from the east against the backdrop of the belt of elevated woodland on its western boundary. The illustrative development design represents a poor response to this setting, with development blocks based upon a misinterpreted historic value of recent horse paddocks, public open space severed by acoustic fencing, and much of

the initial potential environmental opportunities enshrined within the Design and Access Statement (e.g. east-west green linkages) abandoned by the time the final design is presented. It is also highly inappropriate to suggest that a designated ecological habitat and historic asset could form an ‘ecological buffer’ to the development, with no further mitigation measures within the scheme and a car park and buildings in close proximity.

Whilst the proposals include the establishment of a strip of trees approximately 10m wide along the eastern boundary, this is considered inadequate to prevent significant harm to the character of this important valley landscape, and in any case the trees are likely to require at least 15 years to begin to be effective, even if planted as larger specimens.

It is therefore concluded that the proposed development, by nature of its location and scale, is inappropriate in principle within this highly sensitive valley landscape, and that it would bring about a significant and permanent adverse change in the character of the area and the setting of the Titchfield Conservation Area. The illustrative scheme represents a poor design response to the character of the area, contains minimal positive environmental measures, and fails to minimise landscape harm, or to recognise the inherent character and beauty of the countryside.”

8.32 In terms of visual amenity the following points were raised:

“The strong vegetation to the west and south of the Site and the presence of the plant nursery to the north are such that the Site’s visual envelope is heavily restricted in these directions. It is likely, however, that some visual relationship will exist with Cartwright Drive to the west and Abbey Meadows to the south in winter months given the deciduous nature of the screening vegetation, as demonstrated by the Google Street View image reproduced as Figure 3 overleaf, which was taken in March 2022 when leaves were absent. A recent photograph taken from Cartwright Drive (Figure 4) has been included for comparison.

By contrast, a general lack of strong vegetation on the Site’s eastern boundary means that visibility is less restricted in this direction, and it is likely that relatively clear views of dwellings within the Site would be available to residents of the properties on Abbeyfield Drive, whose rear elevations directly face the Site across the valley.

Whilst a number of Public Rights of Way exist in the vicinity of the Site, views are generally contained by vegetation in summer months, although some views may be available in winter, for example from Public Footpath 41a to the south.

The Applicant has submitted a heavily flawed assessment of visual impacts, principally due to a significant departure from its stated methodology, as well as inconsistencies in the repetition of judgements between sections. It is also notable that all judgements are based upon summer views, with no judgements given for winter visibility. This assessment should not be relied upon.

It is therefore concluded that the proposed development is likely to result in a number of permanent adverse effects upon visual receptors in the close vicinity of the Site and in the valley landscape to the east, and that the prominence of development within the otherwise rural valley is such that some of these effects are likely to be significant, particularly in winter months.”

8.33 In conclusion, the proposed development would result in significant adverse effects on the local landscape character, appearance and function of the countryside in which the site lies contrary to Policy CS14.

8.34 The landscape in which the site lies is a ‘valued landscape’ for the purposes of paragraph 174(a) of the NPPF. Paragraph 174 reads (emphasis added):

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;...”

8.35 The development would clearly fail to protect and enhance the valued landscape in which it would be located failing to accord with paragraph 174(a). It would also fail to recognise the intrinsic character and beauty of the countryside conflicting with paragraph 174(b).

Strategic gap impact

8.36 Policy CS22 of the adopted Core Strategy states that:

‘Development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the

physical and visual separation of settlements.'

- 8.37 As mentioned in the paragraphs above, the application site lies within the Meon Gap, the purpose of which is to prevent the coalescence of the housing market areas of Southampton and Portsmouth.
- 8.38 Fareham Borough Council's Technical Review of Areas of Special Landscape Quality and Strategic Gaps, published in 2020, included the Meon Gap. It states the Key Features of the Gap to be as follows:
- The North-South Meon River is a significant linear feature that provides a break between the housing market area of Southampton and that of Portsmouth.
 - The river valley creates a distinctive landform, with steeper valley slopes and significant tree cover in the Upper Meon, north of A27: Valley sides for the most part highly visible from within the Gap.
 - There are a significant number of environmental and historic designations throughout.
 - The Lower Meon, containing Titchfield Haven National Nature Reserve, is a flood risk area, and has for the most part shallower valley sides, and is extensively covered by woodland, hedges and scrub.
 - Titchfield Abbey and associated Conservation Area are a key feature in the upper section of the Meon Gap, between M27 and A27.
 - Titchfield Village and its associated Conservation Area are key feature in the mid-section, immediately to the South of the A27.
 - Titchfield Haven Nature Reserve has a strong presence and land take in the southerly half of area, adjacent to the coast.
 - The Abbey, the Village and the National Nature Reserve are all sub-regional and local visitor attractions.
 - Henry Cort Community College plays a locally significant role in the area to the North of Titchfield Abbey.
 - Funtley is divided into two sections by the Railway line, and the North Western part of Funtley has a contained setting within an isolated triangle of land.
- 8.39 The Review then breaks the two Strategic Gaps within the borough into a number of Study Areas. The application site is located within the 'Area around Titchfield Abbey' (Strategic Gap Study Area 3). This area represents the landscape unit in which the site is located, and it is bounded by Titchfield Park to the west, Fareham to the east, the railway line to the north and the A27 Southampton Road to the south.
- 8.40 The review states that no changes are proposed to the Strategic Gap in this location. It identifies a number of places where this part of the Gap is under pressure from development, including the western edge where the Site is located. In relation to this specific area, its comments are as follows:

“The North East Corner (the area described outside the ASLQ designation) has capacity for development to be visually absorbed but it would render the whole western edge of the gap as urban settlement, rather than Countryside with a subsequent further loss of tranquillity and dark night skies (that are already moderate-poor in this area). This is considered unacceptable in the setting of Titchfield Abbey and numerous other listed buildings, and for experience of the extensive public footpath network and informal recreational areas.”

- 8.41 The reference to the north east corner in the Review document are in error and should read ‘North West Corner’.
- 8.42 It is clear, therefore, that the advice of the Review is that whilst development on the Site could be visually screened, it is unacceptable for a range of other reasons.
- 8.43 Nicholsons Lockhart Garratt summarised the implications upon the strategic gap as follows:

“The location of the Site is such that any development would breach the established logical boundary of Cartwright Drive, which serves to contain the eastward expansion of Titchfield Park. The proposed development would directly narrow the gap and whilst it is acknowledged that the width of the Site represents a small proportion of the overall Gap, the effect upon the integrity of the Gap would be proportionally greater because of the lack of any further logical boundary between the Site and the core of the valley.

The Council’s published technical review of Strategic Gaps has specifically recognised this threat, recognising an existing eastwards creep of the edge of Segensworth and stating that further development in this part of the Gap is unacceptable because it would render the whole western edge of the Gap as urban settlement rather than countryside.

It is therefore concluded that the proposed development would fail to protect the integrity of the Strategic Gap, and would result in the physical and visual coalescence of the housing market areas of Southampton and Portsmouth.”

- 8.44 The proposed development would introduce a significant sized urban development on the western side of the valley both physically and visually reducing the separation of settlements and significantly adversely affecting the integrity of the gap. The development is contrary to Policy CS22.

c) Heritage impacts

- 8.45 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duty that local planning authorities shall, in considering whether to grant planning permission for development which affects a listed building or its setting, have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.46 Section 72 of the Act meanwhile sets out a similar statutory duty with respect to any buildings or other land in a conservation area that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 8.47 Policy DSP5 of the adopted Fareham Borough Local Plan Part 2 is the main development plan policy relating to protecting and enhancing the historic environment. Taking the pertinent points relevant to this proposal, it says that:

“...In considering the impacts of proposals that affect the Borough’s designated heritage assets, the Council will give great weight to their conservation (including those that are most at risk through neglect, decay, or other threats). Harm or loss will require clear and convincing justification in accordance with national guidance. Substantial harm or loss to a heritage asset will only be permitted in exceptional circumstances.

Listed buildings will be conserved by:

- a) supporting proposals that sustain and where appropriate enhance their heritage significance;*
- b) refusing to permit demolition, changes of use or proposed additions and/or alterations that would unacceptably harm the building, its setting or any features of special architectural or historic interest which it possesses; and*
- c) ensuring that development does not harm, and if desirable, enhances their settings.*

Development affecting a conservation area will be permitted where it preserves or enhances its character, setting and appearance, and

- a) takes account of the relevant Conservation Area Character Appraisal and Management Strategy;*
- b) does not involve the loss of important features of an individual building that contribute to character and appearance of the conservation area and/or its setting;*

c) *its form, bulk, scale, height, massing, alignment, proportion, material, building form and use are appropriate, including having regard to the surrounding buildings, spaces and views;...*

The Council will conserve Scheduled Monuments, and archaeological sites that are demonstrably of national significance, by supporting proposals that sustain and where appropriate enhance their heritage significance. Proposals that unacceptably harm their heritage significance, including their setting, will not be permitted...

- 8.48 The heritage statement that accompanies the application identifies the heritage impacts in the context of the application site. These include several listed buildings located to the east and south-east of the site of which the Grade II Listed barn at Carron Row Farm is assessed. There are also two Scheduled Ancient Monuments: Titchfield Abbey (approximately 550 metres from the application site) and its fishponds to the north-west of the abbey (approximately 215 metres from the site), and the Stony Bridge over the River Meon east of the Abbey. The southern part of the application site includes a part of Titchfield Abbey Conservation Area although this does not hold any built form and comprises a band of mature vegetation.
- 8.49 The advice received from the Council's Conservation Planner is included earlier in this report. There is broad agreement with the conclusions in the applicant's heritage statement. There would be no harm to the setting of the listed barn or the Scheduled Ancient Monuments, or to the character and appearance of the conservation area in accordance with Policy DSP5. Having regard to the statutory duty set down in Section 66 of the Act, the proposed development would preserve the setting of the Grade II listed barn at Carron Row Farm, Titchfield Abbey and its fishponds and Stony Bridge and the special architectural and historic interest they possess. In relation to the duty under Section 72 of the Act, the development would continue to preserve and enhance the character and appearance of the Titchfield Abbey Conservation Area.

d) Highways access

- 8.50 During the course of the application being considered revised access drawings have been submitted (drawing no. 5643/001 Rev F). The highway authority have raised no objection to the access proposals despite the proposals impacting on a group of trees on the western side of the highway. The advice from the highway authority confirms that the access is acceptable having regard to the changes to the highway layout on Cartwright Drive (including reducing the width of the existing Stephenson Road right turn lane), swept path analysis showing how a refuse vehicle and fire tender would be

able to navigate the access and works that could be undertaken subject to a detailed design review through a Section 278 agreement with the County Council.

- 8.51 In summary, the highway authority have recommended a Construction Management Plan condition and obligations in a Section 106 relating to providing a new bus shelter on Cartwright Drive and securing highway works in a Section 278 agreement. On the basis of the advice received, Officers do not consider there to be any highway safety grounds to withhold planning permission in relation to the proposed means of vehicular access from Cartwright Drive.

e) The impact upon habitat sites

- 8.52 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive habitat sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.
- 8.53 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within The Solent which are of both national and international importance.
- 8.54 In light of their importance, areas within The Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'Habitat Sites' (HS) (previously 'European Protected Site').
- 8.55 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'competent authority' if it can be shown that the proposed development will either not have a likely significant effect on habitat sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated habitat sites. This is done following a process known as an Appropriate Assessment. The competent authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The competent authority is either the local planning authority or the Planning Inspectorate, depending on who is determining the

application. In this case, because an appeal has been lodged, it is the Planning Inspectorate.

- 8.56 When considering the proposed development there are two main likely significant effects on HS.

Nutrient neutrality

- 8.57 The first likely significant effect on HS relates to deterioration in the water environment through increased nitrogen. Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering The Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the HS.
- 8.58 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England have provided a methodology for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best-available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise local planning authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets.
- 8.59 The applicant submitted a nitrate statement with information concerning the existing use of the land. It is claimed that a significant portion of the site (3.11ha) is used for horse grazing with some buildings, structures and hardstanding that would be considered as urban land for the purposes of the nutrient assessment (0.42ha), as well as a woodland area of 0.65ha. The total of these parcels of land is 4.18ha which exceeds the 3.53ha site area. Notwithstanding this apparent error, Officers do not consider there to be sufficient evidence of parts of the site being used for the grazing of horses. During site visits no evidence of such a use on the site was found to corroborate the applicant's claim. The nitrate statement explains that a mitigation strategy has not yet been identified.
- 8.60 Following the publication of new guidance by Natural England in March 2022, the applicant has provided a revised nitrate budget. Because of doubts over the existing use of the land for horse grazing, Officers have requested a plan showing the existing land uses however at the time of writing this report the requested information had not been received. There therefore remain concerns over the accuracy of the budget which records a nitrate surplus of 36.44 kg/N/year requiring mitigation.

8.61 In summary, Officers do not consider that the applicant has satisfactorily demonstrated the existing use of the land in order to provide an accurate nitrate assessment. The surplus amount of nitrate generated by the proposed development is therefore unclear and the corresponding impacts on the water environment of The Solent unknown. In addition, and aside from Officers concerns, even if the surplus nitrates figure given in the nitrate budget were found to be acceptable, the applicant has provided no mitigation for this surplus whatsoever. The application fails to address the likely significant effects arising from increased wastewater from the development entering The Solent leading to adverse effects on the integrity of the HS of The Solent. The failure to provide appropriate and appropriately secured mitigation means the application is contrary to Policies CS4 & DSP13 of the adopted local plan as a result.

Recreational disturbance

8.62 The second of these likely significant effects on HS concerns disturbance on The Solent coastline and New Forest SPA, SAC and Ramsar sites through increased recreational use by visitors to the sites.

8.63 With regards The Solent SPAs, Policy DSP15 of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies explains that planning permission for proposals resulting in a net increase in residential units may be permitted where the 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution to The Solent Recreation Mitigation Strategy (SRMS). Had the Council been able to determine the application and had the proposal been found acceptable in all other regards the applicant would have been invited to make a financial contribution through the SRMS. In the absence however of a legal agreement to secure such a contribution, or the submission of evidence to demonstrate that the 'in combination' effects of the development can be avoided or mitigated in another way, the proposal is held to be contrary to Policy DSP15.

8.64 With regards the New Forest HS, research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest's designated sites, will result in increased visitors to the sites, exacerbating recreational impacts upon them. It was found that the majority of visitors to the New Forest's designated sites, on short visits/day trips from home, originated from within a 13.8km radius of the sites referred to as the 'Zone of Influence' (ZOI). The western side of the Borough of Fareham falls within this 13.8km radius, measured on the basis of 'how the crow flies'.

8.65 This Council's Interim Mitigation Solution to address this likely significant effect, was approved by the Council's Executive on 7th December 2021. The Interim

Mitigation Solution has been prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against any impacts through improvements to open spaces within Fareham Borough and a small financial contribution to the New Forest National Park Authority. Had the Council been able to determine the application and had the proposal been found acceptable in all other regards the applicant would have been invited to make a financial contribution through the Council's interim solution. In the absence however of a legal agreement to secure such a contribution, or the submission of evidence to demonstrate that the 'in combination' effects of the development can be avoided or mitigated in another way, the proposal is held to be contrary to Policies CS4 & DSP13.

f) Other matters

- 8.66 Concerns have been raised over the effect of the number of dwellings on doctors, schools and other services in the area.
- 8.67 The difficulty in obtaining doctor's appointments and dental services is an issue regularly raised in respect of new housing proposals. It is ultimately for the health providers to decide how they deliver their services. In the view of Officers, a refusal on these grounds could not be substantiated.
- 8.68 With regards the likely impact on schools in the local area, Hampshire County Council Children's Services have commented on the application to confirm that, in this particular instance, they do not wish to request a financial contribution towards primary and secondary education infrastructure.
- 8.69 Advice has been received from Fareham Housing as to the local identified need for affordable housing in the area. Had Officers been minded to recommend that planning permission be granted, the applicant would have been invited to enter into to Section 106 legal agreement to secure an appropriate level of affordable housing provision on the site to meet that identified need in terms of dwelling types, sizes and tenures.

g) The Planning Balance

- 8.70 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

8.71 As set out in paragraph 8.11 above, the effect of Paragraph 182 of the NPPF is that:

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site”.

8.72 The effect of NPPF paragraph 182 means that if having carried out an Appropriate Assessment it is concluded that the proposal is likely to have an adverse effect on the integrity of a habitats sites, then the application can be determined in accordance with paragraph 38(6) under the 'straight' balance.

8.73 In this instance Officers have identified likely significant effects upon Habitat Sites as a result of an unmitigated surplus of nitrate pollution generated by the development entering the water environment of The Solent. If the Council had been able to determine this application, the applicant would have been invited to address that issue by producing revised mitigation proposals. If those mitigation proposals had been satisfactory to Officers, an Appropriate Assessment would have needed to have been carried out concluding no adverse effects on HS before a decision to grant planning permission could have been made. In the absence of such an agreement, the proposal would fail to appropriately secure this mitigation and would be contrary to Policies CS4 & DSP13. In this particular case however the Officer recommendation would have been to refuse planning permission and so since the application is not able to be favourably determined it has not been necessary for the authority to carry out an Appropriate Assessment.

8.74 As the application is the subject of Appeal, should the Inspector be minded to grant permission for the development then it would fall to the Inspector as the Competent Authority to undertake this Appropriate Assessment.

8.75 If having carried out an Appropriate Assessment, the Inspector judges that the proposal would not adversely affect the integrity of the habitat sites, then the application, given that the policies of the local plan must be considered out-of-date by virtue of the Housing Delivery Test results, must be determined in accordance Paragraph 11(d). In this instance, Limb i) of Paragraph 11 d would be met (there would be no clear reason for refusing the development remaining if potential impacts on habitat sites have been addressed) and the application would fall to be determined under Limb ii), applying the presumption in favour of sustainable development. This approach detailed within the preceding paragraphs, has become known as the 'tilted balance' in that it tilts the planning balance in favour of sustainable development and against the Development

Plan.

8.76 The site is outside of the defined urban settlement boundary and the proposed development does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan. The site is not sustainably located contrary to Policy CS15. Furthermore, the development would harm the landscape character, appearance and function of the countryside contrary to Policies CS14 & CS17 and fail to protect and enhance the valued landscape in which the site lies contrary to paragraph 174 of the NPPF. It would also physically and visually reduce the separation of the settlements of Titchfield Park/Segensworth and Fareham and in doing so significantly adversely affect the integrity of the strategic gap contrary to Core Strategy Policy CS22.

8.77 Officers have carefully weighed the benefits which would be delivered by the proposals, namely the provision of 49 dwellings, including a policy compliant proportion of affordable housing on the site. However, in Officer's views, the harm identified in the preceding paragraphs and conflict with the development plan outweigh the benefits arising from the scheme.

8.78 In summary, in undertaking a detailed assessment of the proposals throughout this report, and assuming that the 'tilted balance' is applied to those assessments (the Inspector having carried out an Appropriate Assessment concluding there would be no adverse effects on the integrity of the Habitats sites) Officers consider that in respect of NPPF Paragraph 11(d):

(i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed; and

(ii) any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

8.79 In light of this assessment, and taking into account all other material planning considerations, had the Council been able to determine this application, Officers would have recommended that planning permission should have been refused

9.0 **Recommendation**

9.1 Members to confirm that had they been able to determine the planning application they would have resolved to REFUSE PERMISSION for the following reasons:

The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS15,

CS17, CS18, CS20 and CS22 of the Adopted Fareham Borough Core Strategy 2011, Policies DSP6, DSP13 & DSP15 of the Adopted Local Plan Part 2: Development Site and Policies Plan and paragraph 174 of the National Planning Policy Framework and is unacceptable in that:

- a) The proposal represents unsustainable development outside the defined urban settlement boundary for which there is no justification or overriding need;
- b) The application site lies outside of the defined urban settlement boundary on land which is considered to form part of a valued landscape. As a result the proposed development would result in a range of significant adverse landscape and visual effects, harmful to the landscape character, appearance and function of the countryside and failing to respect or respond positively to the key characteristics of the surrounding area;
- c) The proposed development would physically and visually reduce the separation between settlements significantly adversely affecting the integrity of the strategic gap;
- d) The proposal would have likely adverse effects on the integrity of habitat sites in combination with other developments due to the additional generation of nutrients entering the water environment and the lack of appropriate and appropriately secured mitigation;
- e) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of habitat sites which, in combination with other developments, would arise due to the impacts of recreational disturbance;
- f) In the absence of a legal agreement to secure such, the proposal fails to make on-site provision of affordable housing at a level in accordance with the requirements of the local plan;
- g) In the absence of a legal agreement to secure such, the proposal fails to secure the provision of a bus shelter on Cartwright Drive or the highway works required to form the access to the development site.

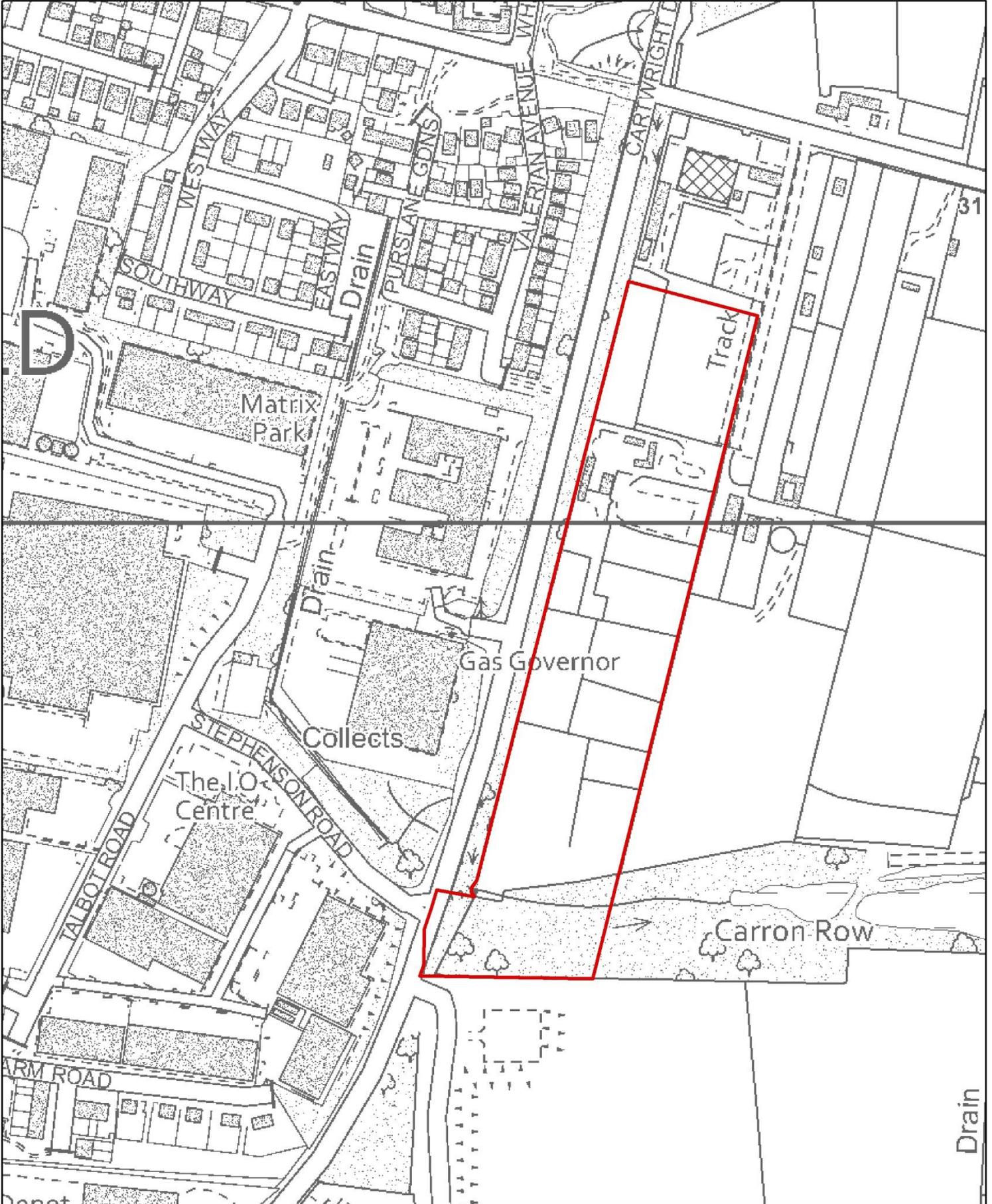
10.0 ***Notes for information:***

10.1 Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address points e) – g) above by inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town & Country Planning Act 1990.

11.0 ***Background Papers***
P/21/1707/OA

FAREHAM

BOROUGH COUNCIL



Land to the East of Cartwright Drive
Fareham
Scale 1:3,000



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